

10/24/2012 15:59 FAX

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0003/0010

Atty. Dkt. No. 050140-0103

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED**

Applicant: Siegfried MATUSCH et al.

NOV 02 2012

Title: METHOD AND DEVICE FOR CLEARING THE  
CRYSTALLINE MATERIAL OUT OF A CENTRIFUGE  
BASKET

OFFICE OF PETITIONS

Patent No.: 6,177,021

Grant Date: January 23, 2001

Appl. No.: 09/301,624

Filing Date: April 29, 1999

Examiner: David A. Reifsnyder

Art Unit: 1723

Confirmation Number:

5712

2012 OCT 25 AM 10:55

**RESPONSE TO NOTICE AND REQUEST FOR REMOVAL OF ASSERTION OF  
SMALL ENTITY STATUS**

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice mailed September 28, 2012, by the U.S. PTO (copy attached) and pursuant to 37 C.F.R. §1.28 (c)(2)(i), Applicant hereby requests removal of small entity status pursuant to §1.27(g) (2) in the above-identified application.

*If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as requested by 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section.*

4825-7948-7249.1

11/06/2012 CKHLOK 00000002 6177021  
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Atty. Dkt. No. 050140-0103

Change of Entity Status from small to large occurred on January 1, 2009.

The itemization of fees are as follows:

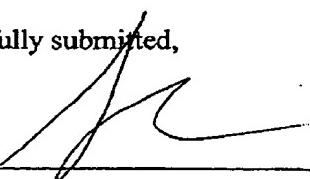
Type of fee and date	Current Fee for non-small entity	Fee actually paid	Deficiency
Maintenance Fee (7/23/2012)	\$4,810.00	\$2,365.00 on 7/23/12 \$2,365.00 on 7/31/12	\$80.00
Surcharge	\$150.00		\$150.00
			Total Def. \$230.00

As shown by the attached letter from European Patent Annuity Service GmbH, deficiency fees owed to the Patent and Trademark Office in the amount of \$2,365 were submitted on July 31, 2012. It is hereby requested that the \$2,365.00 fees paid on July 31, 2012, be applied as per the September 28, 2012 Notice from the U.S. PTO. Since the maintenance fees are now \$4,810.00, the deficiency fees in the amount of \$80.00 and surcharge of \$150.00 (total = \$230.00) are submitted herewith by the attached credit card authorization form PTO-2038.

Fees paid henceforth will be paid based on large entity status.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date OCT 24 2012 By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5426  
Facsimile: (202) 672-5399

Glenn Law  
Attorney for Applicant  
Registration No. 34,371



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

FOLEY & LARDNER  
 3000 K STREET N W  
 SUITE 500  
 P O BOX 25696  
 WASHINGTON, DC 20007-8696

SEP 28 2012  
**OFFICE OF PETITIONS**

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**OFFICE OF PETITIONS**

In re Patent No. 6,177,021  
 Issue Date : January 23, 2001  
 Application No. 09/301,624  
 Filed: April 29, 1999  
 Attorney Docket No.: 016794/0383

NOTICE

The above-identified patent has been referred to the Office of Petitions for consideration of a facsimile communication filed July 31, 2012 by European Patent Annuity Service GmbH. The communication is being treated as a request under 37 CFR 1.28(c), as it includes authorization to charge a maintenance fee deficiency and a letter indicating that patentee is no longer entitled to claim status as a small entity.

The request for acceptance of a fee deficiency submission under 37 CFR 1.28 (c) is  
**DISMISSED.**

The instant request does not identify the status of the submitter, European Patent Annuity Service GmbH, or the relationship of the party signing to European Patent Annuity Service GmbH. Consequently, the request is not signed by a proper party in accordance with 37 CFR 1.33(b) which reads:

- (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
  - (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
  - (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
  - (3) An assignee as provided for under § 3.71(b) of this chapter; or
  - (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

While the Office will accept maintenance fee payments from third party payers, such acceptance does not extend to prosecution papers, such as papers under § 1.28(c) to correct erroneous fee payments, or to requests that small entity status be removed.

Applicant is given ONE MONTH to submit a properly signed paper requesting a change in small entity status, and a request under § 1.28(c), including a list of the fees erroneously paid

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U.S. Patent No. 6,177,021

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as a small entity and the total fee deficiency to avoid the return of the present fee deficiency paper and fee. This time period is not extendable under 37 CFR 1.136(a).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

By Internet: EFS-Web<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

2012 10:55 AM

<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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**PATENT ANNUITY SERVICE GmbH**

Mail Stop M Correspondence  
Director of the US Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450  
USA

BY FACSIMILE LETTER ONLY  
Fax No. 001-571-2736500

URGENT!!!

0093 Pr

München, 31.07.2012

**Maintenance Fee Payment for US-Patent No. 6,177,021**  
Payor Number: 000903 – Deposit Account Number 05-1403

Dear Sirs,

We arranged payment of maintenance fee for patent no. 6,177,021 on July 23, 2012 – see enclosed Maintenance Fee Statement.

According to the US-patent register status for the above mentioned patent is currently small and, thus, our deposit account no. 05-1403 was charged with maintenance fee for a Small-Entity patent only.

However, our client informed us that patent owner is no longer qualified as a small business concern or individual or non-profit organization. Attached please find a copy of our client's request for change of entity status.

The English translation of the email is:

Dear Mr.s Prell-Bscheid,  
as mentioned in our letter dated April 16, 2012, we kindly ask you to pay 12th annuity for US Patent No. 6177021 with the internal file 2784 which is due on July 23, 2012. The Small Entity status has to be changed to Large Entity. Kindly take necessary steps to arrange the correction.

Reminder letter is attached.

I wish you and your staff a nice and sunny weekend

Best regards

Katja Duderstad

....

08/01/2012 MBANGURA 00000011 051403 6177021  
01 FC;1599 2363.00 DA

Thus, maintenance fee for a large entity case should be paid.

european  
**PATENT ANNUITY SERVICE**  
EDV-Patentdatenverwaltung GmbH  
Deutsche Bank AG  
Konto-Nr.: 167 00 41  
BLZ: 700 700 10

Amtsgericht München  
HRB 69968  
Geschäftsstelle:  
Patrizia Pfeffer  
Christine Prell-Bscheid

Sonnenstraße 19  
D - 80331 München  
Phone: +49 89 2809621  
Fax: +49 89 2809641  
Email: info@epas-patent.de

Piazzale Marengo 6  
I - 20121 Milano  
Phone: +39 02 664303  
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Email: epas@prod.it

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Therefore, we kindly ask you to charge our deposit account no. 05-1403 with the deficiency of US\$ 2.365,00 and to cancel the Small-Entity-Status for patent no. 6,177021.

We thank you in advance and remain

Sincerely yours,

European  
PATENT ANNUITY SERVICE GmbH  
  
Christine Prell-Bscheid

Encl.

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EPAS

**European Patent Annuity Service GmbH**

**Von:** engineering@bma-de.com  
**Gesendet:** Donnerstag, 24. Mai 2012 10:32  
**An:** info@epas-patent.de  
**Betreff:** Patent-Jahresgebühren für den Zeitraum 01-JUL-12 30-SEP-12  
**Anlagen:** Duderstadt.K-Duderstadt.K\_-EPAS -103.PDF

Sehr geehrte Frau Prell-Bscheid,

wie in unserer Nachricht vom 16.04.2012 mitgeteilt, bitten wir Sie nun die Zahlung der 12. Jahresgebühr für unser US-Patent 6177021 mit dem Anmelder Aktenzeichen : 2784 mit Fälligkeit 23.Juli 2012 zu tätigen. Der Status von Small Entity muss auf Large Entity wechseln. Wir bitten sie die nötigen Schnitte zu veranlassen.

Zur Erinnerung habe ich Ihnen unsere Nachricht als Anhang beigefügt.

Ich wünsche Ihnen und Ihrem Team ein schönes, sonniges Pfingstwochenende.

Mit freundlichen Grüßen / Best regards

Katja Duderstadt

New Technologies Department

Assistant

BMA Braunschweigische Maschinenbauanstalt AG

Am Alten Bahnhof 5

38122 BRAUNSCHWEIG

DEUTSCHLAND / GERMANY

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Telefon: +49 531-804-526

Telefax: +49 531-804-282

Sitz der Gesellschaft: Braunschweig

Amtsgericht - Registergericht - Braunschweig HRB 69

Vorsitzender des Aufsichtsrats: Jan Bouw

Vorstand: Dr.-Ing. Rolf Mayer, Dipl.-Ing. Uwe Schwanke

Wenn diese E-Mail nicht für Sie bestimmt ist, benachrichtigen Sie bitte den Absender und löschen Sie diese E-Mail, nicht kopieren oder weiterleiten. Vielen Dank.

If you are not the intended recipient, please notify the sender immediately and delete this e-mail. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden.

(See attached file: Duderstadt.K-Duderstadt.K\_-EPAS -103.PDF)

2012-05-25 AM 08:51  
CC:U.S.

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ISTMT

DATE PRINTED  
07/23/2012

MAINTENANCE FEE STATEMENT

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O.Box 1450, Alexandria, VA 22313-1450.

PATENT NUMBER	FEE AMT	SUR CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL-FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT NUMBER
6,177,021	\$2,365.00	\$0.00	07/23/13	89/301,624	01/23/01	04/29/99	12	YES	016794/0383

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